

Entered 1-31-03 sb
CL 03L0089 GWENDOLYN BURNS

04-*P*-0285

CLAIM OF: **DARREN WILLIAMS**
through his attorney,
KIRBY CLEMENTS, ESQ.
THE CLEMENTS LAW GROUP, LLC
Providence Park Office Community
4555 Flat Shoals Parkway
Suite 106
Decatur, Georgia 30034

For property damages alleged to have been
sustained from an improper storm water drainage
system on November 2, 2002 at 1980 Beecher
Road, SW.

THIS ADVERSED REPORT IS
APPROVED

BY: _____

JERRY L. DELOACH
DEPUTY CITY ATTORNEY

ADVERSE REPORT

PUBLIC SAFETY &

LEGAL ADMINISTRATION COMMITTEE

DATE: 2/24/04

CHAIR: [Signature]

Hunt Shook

C. T. Martin

Carla Smith

ADVERSED

MAR 01 2004

MAR 01 2004

Kirk Douglas Brown
MUNICIPAL CLERK

MAR 01 2004



OFFICE OF MUNICIPAL CLERK

March 5, 2004

RHONDA DAUPHIN JOHNSON, CMC
MUNICIPAL CLERK

Kirby Clements
Attorney at Law
Providence Park Office Community
4555 Flat Shoals Parkway
Suite 106
Decatur, GA 30034

55 TRINITY AVENUE, S.W.
SECOND FLOOR, EAST
SUITE 2700
ATLANTA, GEORGIA 30335
(404) 330-6033
FAX (404) 658-6103

04-R-0285

RE: Darren Williams

Dear Attorney Clements:

I sincerely regret that your client has been adversely affected by the circumstances raised in his/her claim for damages against the City of Atlanta. Your time and patience in this matter has been greatly appreciated.

However, I must notify you that the Atlanta City Council Adopted an Adverse Report on your client's claim at its regular meeting on March 05, 2004. In consultation with the City's Law Department, who conducted an investigation of the situation, the Council has determined that the City cannot accept responsibility for this matter and therefore cannot pay this claim.

If you desire any further information, please contact the City Attorney's Office/Claims Division at (404) 330-6400.

Yours very truly,

Rhonda Dauphin Johnson, CMC
Municipal Clerk

cc: Claims Division/Law Department

+DEPARTMENT OF LAW - CLAIM INVESTIGATION SUMMARY

Claim No. 03L0089

Date: February 10, 2004

Claimant /Victim DARREN WILLIAMS
BY: (Atty) (Ins. Co.) KIRBY CLEMENTS, ESQ., THE CLEMENTS LAW ROUP, LLC
Address: Providence Park Office Community, 4555 Flat Shoals Parkway, Suite 106, Decatur, Georgia 30334
Subrogation: Claim for Property damage \$ 32,767.58 Bodily Injury \$
Date of Notice: 1/29/03 Method: Written, Proper X Improper
Conforms to Notice: O.C.G.A. §36-33-5 X Ante Litem (6 Mo.) X
Date of Occurrence 11/2/02 Place: 1980 Beecher Road, SW
Department WATERSHED MANAGEMENT Division Environmental Compliance
Employee involved Disciplinary Action:

NATURE OF CLAIM: Claimant alleges that his home sustained water damages from an improper storm drainage system running through his property. However, an investigation determined that the City does not have an easement on the property. Accordingly, the maintenance and upgrade of a drainage system on private property is the responsibility of the property owner and not the City.

INVESTIGATION:

Statements: City employee Claimant Others Written Oral
Pictures Diagrams Reports: Police Dept Report X Other X
Traffic citations issued: City Driver Claimant Driver
Citation disposition: City Driver Claimant Driver

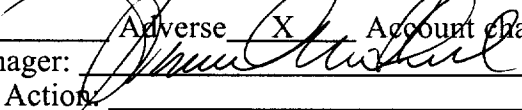
BASIS OF RECOMMENDATION:

Function: Governmental X Ministerial
Improper Notice More than Six Months Other Damages reasonable
City not involved Offer rejected Compromise settlement
Repair/replacement by Ins. Co. Repair/replacement by City Forces
Claimant Negligent City Negligent Joint Claim Abandoned

Respectfully submitted,


INVESTIGATOR - GWENDOLYN BURNS

RECOMMENDATION:

Pay \$ Adverse X Account charged: 1A01 2J01 2P01 2H01
Claims Manager:  Concur/date 02/12/04
Committee Action: Council Action

RCS# 5475
3/01/04
3:54 PM

Atlanta City Council

Regular Session

CONSENT I CONSENT I , EXCEPT: 04-O-0328,04-O-0047
04-O-0221,04-R-0309,04-O-0324,04-O-0216
ADOPT

YEAS: 14
NAYS: 0
ABSTENTIONS: 0
NOT VOTING: 2
EXCUSED: 0
ABSENT 0

Y Smith	Y Archibong	Y Moore	Y Mitchell
Y Starnes	Y Fauver	Y Martin	NV Norwood
Y Young	Y Shook	Y Maddox	Y Willis
Y Winslow	Y Muller	Y Boazman	NV Woolard

CONSENT I

3-01-04 Council Meeting	
ITEMS ADOPTED ON CONSENT	ITEMS ADOPTED ON CONSENT
1. 04-O-0324 2. 04-O-0328 3. 04-O-0332 4. 04-O-0337 5. 04-O-0338 6. 04-O-0339 7. 04-O-0155 8. 04-O-0047 9. 04-O-0221 10. 04-O-0251 11. 04-R-0039 12. 04-R-0305 13. 04-R-0306 14. 04-R-0307 15. 04-R-0308 16. 04-R-0353 17. 04-R-0298 18. 04-R-0301 19. 04-R-0313 20. 04-R-0344 21. 04-R-0345 22. 04-R-0366 23. 04-R-0248 24. 04-R-0297 25. 04-R-0325 26. 04-R-0326 27. 04-R-0336 28. 04-R-0343 29. 04-R-0355 30. 04-R-0299 31. 04-R-0316 32. 04-R-0062 33. 04-R-0302 34. 04-R-0303 35. 04-R-0304 36. 04-R-0309 37. 04-R-0354 38. 04-R-0275 39. 04-R-0276 40. 04-R-0277	41. 04-R-0278 42. 04-R-0279 43. 04-R-0280 ITEMS ADVERSED ON CONSENT 44. 04-R-0281 45. 04-R-0282 46. 04-R-0283 47. 04-R-0284 48. 04-R-0285 49. 04-R-0286 50. 04-R-0287 51. 04-R-0288 52. 04-R-0289 53. 04-R-0290 54. 04-R-0291 55. 04-R-0292 56. 04-R-0293 57. 04-R-0294 58. 04-R-0295 59. 04-R-0296